

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 10-CV-4257
)	Judge Robert M. Dow, Jr.
CITY OF CHICAGO, et al.,)	Magistrate Judge Sheila M. Finnegan
)	
Defendants.)	

INITIAL JOINT STATUS REPORT

Pursuant to the Court’s Standing Order, Defendants City of Chicago (the “City”), Mayor Richard M. Daley, Superintendent Jody P. Weis, Miguel Del Valle, and Mara S. Georges (collectively, “Defendants”), by their counsel, Mara S. Georges, Corporation Counsel of the City of Chicago, and Plaintiffs Second Amendment Arms, R. Joseph Franzese, Robert M. Zieman, Sr., ICarry, and Shaun A. Kranish (collectively, “Plaintiffs”), by their counsel, Walter Maksym, hereby submit the Initial Joint Status Report.

A. Attorneys of Record

1. Defendants’ Counsel

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2. Plaintiffs' Counsel

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B. Basis for Federal Jurisdiction

Plaintiffs assert in their First Amended Complaint that federal jurisdiction lies under 28 U.S.C. §§ 1331, 1343, 1367, 2201, 2202 and 42 U.S.C. § 1983.

C. Nature of Claims and Counterclaims

As set forth in Plaintiffs' First Amended Complaint, Plaintiffs challenge, in its entirety, the City's Responsible Gun Owners' Ordinance (the "Ordinance") and its predecessor ordinance, as violating their rights under the First, Second, Fourth, and Fourteenth Amendments to the United States Constitution and seek, *inter alia*, damages, mandamus, injunctive, declaratory and other relief, including attorneys' fees and costs pursuant to 42 U.S.C. § 1988. Plaintiffs also challenge the constitutionality of the Ordinance and its predecessor under sections 1, 2, 4, 6, 12, 22, and 24 of Article I of the Illinois Constitution and seek various relief.

Defendants filed a motion to dismiss Plaintiffs' First Amended Complaint, which will be presented on December 8, 2010. As a result, the time for Defendants to file any counterclaims they may have has not yet expired.

D. Service on Defendants

All Defendants have been served.

E. Principal Legal Issues

The central legal question -- should Plaintiffs' First Amended Complaint survive Defendants'

motion to dismiss -- is whether every provision of the City's Ordinance and its predecessor violate the First, Second, Fourth, and Fourteenth Amendments to the U.S. Constitution and/or sections 1, 2, 4, 6, 12, 22, and 24 of Article I of the Illinois Constitution.

Plaintiffs also submit that there is a question whether Mara S. Georges, Corporation Counsel for the City of Chicago, and her staff should be disqualified because Georges is a named defendant. Defendants dispute that Georges is a proper defendant in this case.

F. Principal Factual Issues

Because Defendants have moved to dismiss Plaintiffs' First Amended Complaint, the parties cannot determine at this time what the principal factual issues will be in this case.

G. Jury Trial

Plaintiffs requested a trial by jury in their First Amended Complaint. Because Defendants have not yet answered the First Amended Complaint, their time to demand a trial by jury has not expired.

H. Discovery

No discovery has yet occurred in this case. Because Defendants have moved to dismiss in its entirety Plaintiffs' First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6), Defendants do not believe that a discovery schedule should be set or that discovery commence until this Court rules on Defendants' motion.¹

I. Trial Date

Because Defendants have moved to dismiss in its entirety Plaintiffs' First Amended

¹ On December 3, 2010, Judge Ronald A. Guzman denied Defendants' motion to reassign this case under Local Rule 40.4 as related to *Benson, et al. v. City of Chicago, et al.*, No. 10-C-4184.

Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6), the parties cannot determine at this time the length of any trial in this matter or when such trial could conceivably occur.

J. Consent to Magistrate

The parties do not consent for this case to proceed before a Magistrate Judge.

K. Settlement Discussions

The parties have not engaged in settlement discussions.

L. Settlement Conference

At this time, Defendants do not wish to engage in a settlement conference.

Date: December 6, 2010

Respectfully submitted,

<p>Defendants City of Chicago, Mayor Richard M. Daley, Superintendent Jody P. Weis, Miguel Del Valle, and Mara S. Georges</p> <p>By: <u>/s/William Macy Aguiar</u> Assistant Corporation Counsel</p> <p>Michael A. Forti Mardell Nereim Andrew W. Worseck William Macy Aguiar Rebecca Alfert Hirsch City of Chicago, Department of Law Constitutional and Commercial Litigation Division 30 North LaSalle Street, Suite 1230 Chicago, Illinois 60602 (312) 744-9018 / 6975 / 7129 / 4216</p> <p>Attorneys for Defendants</p>	<p>Plaintiffs Second Amendment Arms, R. Joseph Franzese, Robert M. Ziemann, Sr., ICarry, and Shaun A. Kranish</p> <p>By: <u>/s/Walter Maksym</u> Walter Maksym</p> <p>Walter Maksym 2056 N. Lincoln Avenue Chicago, IL 60614-4525 (312) 218-4475</p> <p>Attorney for Plaintiffs</p>
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